



DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF MUNICIPAL SERVICES (DMS)
STATE REVOLVING LOAN FUND PROGRAM (SRF)
PLAN AND SPECIFICATION CHECKLIST

For DMS use only

Program Manager: _____

Review Engr.: _____

Date received: _____

Date approved: _____

DMS on the World Wide Web <http://www.state.ma.us/dep/brp/mf/mfpubs.htm>

Public Entity: _____

Contract Titled: _____

Contract No.: _____

Title Sheet dated: _____

Consulting Engineer: _____

Address: _____

Project Manager: _____

Telephone: _____

TYPE OF PROJECT

Clean Water (CMR 44.03)

- ☐ Wastewater Treatment Projects
☐ Interceptors
☐ Combined Sewer Overflows (CSO's)
☐ Infiltration/Inflow (I/I)
☐ Collection Systems
☐ Nonpoint Source Projects

Project No. CWSRF-

Drinking Water (CMR 45.04)

- ☐ Drinking Water Treatment
☐ Distribution
☐ Storage

☐ Other (*Specify*)

Project No. DWSRF-

The loan applicant or his assignee shall complete the following sections (Bid Advertisement, Instructions to Bidders, Bid Proposal, Contract, General/Supplementary Conditions, and Consulting Engineer's Certification Section) with page location or engineer's initials as required. The completed checklist together with two copies of the plans and specifications of the project shall be submitted to DMS.

BID ADVERTISEMENT

PAGE

1. A. Check which Bid Law provisions apply to this contract.

M.G.L. c.30, s39M _____ (Non-Building/Public Works Contracts)

M.G.L. c.149, ss44A-44J _____ (Building Contract with Filed Sub-Bids)

The provisions under which this contract is being bid are stated in the BID ADVERTISEMENT at

2. If bid under c.149, ss44A-44J, the bid advertisement must contain the category of certification every general bidder must furnish from the Division of Capital Assets Management and Maintenance (formerly known as Division of Capital Planning and Operations) and an update statement (Form CQ3) in accordance with c.149, s44D.

This is stated in the BID ADVERTISEMENT at

See MA DEP-DMS Bid Provisions for SRF Projects for Advertising Requirements (DEP-DMS-P&S-19) and DCAM Certification Categories (DEP-DMS-P&S-20)

BID ADVERTISEMENT – CONTINUED

PAGE

3. The Bid Advertisement must contain the following information:
 - A. 5% bid deposit
 - B. Project description with time frame for the contract completion
 - C. Where and how the bidding documents may be obtained or examined.
 - D. The location, date and time by which bids are required to be submitted.
 - E. A statement that the project is to be funded in part by the Massachusetts Water Pollution Abatement Trust (the “Trust”).
 - F. A statement that the project requires compliance with the Massachusetts Diesel Retrofit Program (MDRP) by use of after-engine emission controls that are EPA certified, or their equivalent, on all of the off-road (non-registered) diesel vehicles/equipment used at the job site.

4. The Bid Advertisement must contain the following paragraphs:
 - A. “Minority Business Enterprise (MBE) and Women’s Business Enterprise (WBE) policies of the Commonwealth of Massachusetts and the City/Town of _____ are applicable to the total dollars paid to the construction contract. **The “Fair Share” construction goal for this project is a minimum of eight and one quarter (8.25) percent MBE participation and two point zero nine (2.09) percent WBE participation** by state-certified MBEs and WBEs. The bidder shall submit completed MBE/WBE forms (EEO-DEP-190 & EEO-DEP-191) and Vendor Information Forms (VIF) with the bid. Failure to comply with the requirements of this paragraph may be deemed to render a proposal non-responsive. No waiver of any provision of this section will be granted unless approved by the Department of Environmental Protection.”
 - B. "Minimum Wage Rates as determined by the Commissioner of Department of Workforce Development under the provision of the Massachusetts General Laws, Chapter 149, Sections 26 to 27D, as amended, apply to this project. It is the responsibility of the contractor, before bid opening, to request if necessary, any additional information on Minimum Wage Rates for those trades people who may be employed for the proposed work under this contract.”

INSTRUCTIONS TO BIDDERS

PAGE

5. The successful bidder shall comply with the following minority and affirmative action workforce reporting system procedures.
 - A. Contractors must submit the Contractor’s Quarterly Projected Workforce Table (CAD 85-1) prior to the commencement of work and no later than five (5) working days prior to the start of each new quarter to DEP’s Contract Compliance Officer.
 - B. Contractors must submit the Certificate of Work Start-Up By Minority/Women Business Enterprise (Form EEO-DEP-290) within ten (10) days after work start-up for each minority/women business to DEP’s Contract Compliance Officer.
 - C. Contractors must submit the Contractor’s Weekly Workforce Utilization Report (CAD 85) to DEP’s Contract Compliance Officer no later than the following Tuesday of each week.

INSTRUCTION TO BIDDERS – CONTINUED	PAGE
<p>D. The Owner’s Contract Compliance Officer must prepare the Agency’s <u>Quarterly Contract Compliance Report (CAD 75)</u> for Minority Workforce Utilization and MBE/WBE Contract Activities Report and send them to MCAD no later than the 15th of the month following the end of each quarter.</p> <p>E. The Prime Contractor is responsible for the submission of all reports from all of his/her sub-contractors.</p> <p>F. The OWNER must submit (within 30 days of submission by the General Contractor of the Final Pay Estimate) the <u>MBE/WBE Contract Completion Verification (Form EEO-DEP-590)</u> to DEP’s Contract Compliance Officer with a copy to DEP’s Program Manager.</p> <p>These reporting system procedures are included in the Instructions to Bidders at</p>	
<p>6. The provisions of the following paragraphs must be included in the <u>INSTRUCTIONS TO BIDDERS</u>. Other language may be substituted provided the language changes do not substantively alter the meaning of these provisions:</p> <p>A. “Applicable provisions of Massachusetts General Laws and Regulations and/or the United States Code and Code of Federal Regulations govern this Contract and any provision in violation of the foregoing shall be deemed null, void and of no effect. Where conflict between Code of Federal Regulations and State Laws and Regulations exist, the more stringent requirement shall apply.”</p> <p>B. “Minimum Wage Rates as determined by the Commissioner of Department of Workforce Development under the provision of the Massachusetts General Laws, Chapter 149, Sections 26 to 27D, as amended, apply to this project. It is the responsibility of the contractor, before bid opening, to request if necessary, any additional information on Minimum Wage Rates for those trades people who may be employed for the proposed work under this contract.”</p>	
<div>DEP-DMS-P&S-3</div> <div>01/31/02</div>	

INSTRUCTIONS TO BIDDERS – CONTINUED	PAGE
<p>C. "The contractor guarantees that the Work and Services to be performed under the Contract, and all workmanship, materials and equipment performed, furnished, used or installed in the construction of the same shall be free from defects and flaws, and shall be performed and furnished in strict accordance with the Drawings, Specifications, and other contract documents, that the strength of all parts of all manufactured equipment shall be adequate and as specified and that the performance test requirements of the Contract shall be fulfilled. This guarantee shall be for a period of <u>one year</u> from and after the date of completion and acceptance of the Work as stated in the final estimate. If part of the Work is accepted in accordance with that subsection of this AGREEMENT titled "Partial Acceptance", the guarantee for that part of the Work shall be for a period of one year from the date fixed for such acceptance."</p> <p>"If at any time within the said period of guarantee any part of the Work requires repairing, correction or replacement, the Owner may notify the contractor in writing to make the required repairs, correction or replacements. If the Contractor neglects to commence making such repairs, corrections or replacements to the satisfaction of the Owner within seven (7) days from the date of receipt of such notice, or having commenced fails to prosecute such Work with diligence, the Owner may employ other persons to make said repairs, correction or replacements, and charge the costs, including compensation for additional professional services, to the Contractor."</p> <p>D. "This project is subject to the Safety and Health Regulations of the U.S. Department of Labor set forth in Title 29 CFR, Part 1926 and to all subsequent amendments, and to the Massachusetts Department of Labor and Industries, Division of Industrial Safety 'Rules and Regulations for the Prevention of Accidents in Construction Operations' (Chapter 454 CMR 10.00 et seq.). Contractors shall be familiar with the requirements of these regulations."</p> <p>E. "Whenever it is written that an equipment manufacturer must have a specified period of experience with his product, equipment which does not meet the specified experience period can be considered if the equipment supplier or manufacturer is willing to provide an "<u>Efficiency Guarantee Bond</u>" or cash deposit for the duration of the specified time period which will guarantee replacement of that equipment in the event of failure."</p> <p>F. "This project is subject to the requirements of the Massachusetts Diesel Retrofit Program (MDRP). Bidders must submit a signed and dated Statement of Intent to Comply form as part of their bid proposal documents."</p>	
BID PROPOSAL	PAGE
<p>7. The bid proposal must contain the following information:</p> <p>A. Contract name, contract number and SRF project number designation</p> <p>B. The method for determining the award of the contract when Bid Alternates are included</p> <p>C. Acknowledgement of Addenda</p>	
<div>DEP-DMS-P&S-4</div> <div>01/31/02</div>	

BID PROPOSAL – CONTINUED**PAGE**

- D. A Labor and Material or Payment Bond in the amount of 100% of the total contract price must be provided by the general contractor.
- E. A Performance Bond in the amount of 100% of the total contract price must be provided by the general contractor.
- F. "The time for completion of this contract is _____ calendar days"
- G. "Liquidated damages specified in this contract are \$_____ per day for each calendar day beyond the contract completion date that work remains uncompleted."
- H. SRF eligible and ineligible items must be clearly separated in the bid proposal.

8. The following paragraph must be included in its entirety in the Bid Proposal.

“The time period for holding bids, where Federal approval is not required is 30 days, Saturdays, Sundays and legal holidays excluded, after the opening of bids and where Federal approval is required, the time period for holding bids is 30 days, Saturdays, Sundays and holidays excluded after Federal approval.”

9. Check which bidder’s “bid law” certification statements apply to this contract.

- A. M.G.L. c.30, s39M (a) and (c) *
- B. M.G.L. c.149, s44D (1) (b) and s44E (2) (3) **

The following other certifications must be included in their entirety in the Bid Proposal.

- C. State Taxes *,**

“Pursuant to M.G.L.c.62C, s49A I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all State Taxes required under law”

- D. EEO/AA Provisions *,**

“The undersigned bidder hereby certifies he/she will comply with the minority workforce percentage ratio and specific affirmative action steps contained in the EEO/AA provisions of this Contract, including compliance with the Minority/Woman Business Enterprise provisions as required under these contract provisions. The contractor receiving the award of the contract shall be required to obtain from each of its subcontractors a copy of the certification by said subcontractor, regardless of tier, that it will comply with the minority workforce ratio and specific affirmative action steps contained in these EEO/AA contract provisions and submit it to the contracting agency prior to the award of such subcontract.”

BID PROPOSAL – CONTINUED**PAGE****E. Non-Debarment *,****

“The undersigned further certifies under penalty of perjury that the said undersigned is not presently debarred from doing public construction work in the Commonwealth under the provisions of Section Twenty-Nine F of Chapter Twenty-Nine, or any other applicable debarment provisions of any other Chapter of the General Laws or any rule or regulation promulgated thereunder.”

** See Attached Appendix A1 for the applicable contractor’s certification statements required when bid under the provisions of c.30 s39 (Non-Building/Public Works Contract) including certifications for state taxes, work in harmony, EEO/AA provisions, non-collusion, and non-debarment.*

*** See Attached Appendix A2 for the applicable contractor’s certification statements required when bid under the provisions of c.149 s44A-44J (Building Contract with filed sub-bids) including certifications for state taxes, EEO/AA provisions, eligibility update statement with non-collusion, work in harmony, and non-debarment.*

10. The following MBE/WBE participation and Vendor Information Forms are included as part of the bid proposal.**Schedule of Participation for SRF Construction**

Form EEO-DEP-190C in the BID PROPOSAL at _____

Letter of Intent for SRF Construction

Form EEO-DEP-191C in the BID PROPOSAL at _____

Vendor Information Form-SRF Construction (2 pages)

Form-EEO-DEP-VIF-C in the BID PROPOSAL at _____

See Attached Forms EEO-DEP-190C through EEO-DEP-590C &EEO-DEP-VIF-C

11. Article XII of the “Commonwealth of Massachusetts Modified Supplemental Equal Opportunity Anti-discrimination and Affirmative Action Program” requires that the contractor’s certification form, which must be signed by the successful low bidder prior to award by the contracting agency, must appear in the contract and the subcontractor’s certification form, which must be signed by the prospective subcontractor(s), must be submitted to the contractor and included in the subcontract.

Contractor’s “Revised” Workforce Certification In Bid Proposal at

Sub Contractor’s “Revised” Workforce Certification In Bid Proposal at

See Appendix B1 & B2 or Contract Compliance Procedure package pages EEO-AAO-CCP 6 & 7 for these Workforce Certifications Forms

BID PROPOSAL – CONTINUED**PAGE**

12. The following MDRP form is included as part of the Bid Proposal.

Massachusetts Diesel Retrofit Program Statement of Intent to Comply
In the BID PROPOSAL at _____

See attached Appendix C “Massachusetts Diesel Retrofit Program (MDRP)”.

CONTRACT**PAGE**

13. The following paragraphs must be included in their entirety in the Contract.

- A. “The fair share construction goals for minority enterprise (MBE) and women’s business enterprise (WBE) participation for this contract is a minimum of eight and one quarter percent (8.25%) MBE participation and two point zero nine percent (2.09%) WBE participation, applicable to the total dollars paid to the SRF loan funded portion of the contract. The Contractor shall take all affirmative steps necessary to achieve this goal, and shall provide reports documenting the portion of contract and subcontract dollars paid to minority and women-owned businesses, and its efforts to achieve the goals, with each invoice submitted or at such greater intervals as specified by the (municipality). The contractor shall require similar reports from its subcontractors.”
- B. “The contractor shall not discriminate against or exclude any person from participation herein on grounds of race, religion, color, sex, age, or national origin; and that it shall take affirmative actions to insure that applicants are employed, and that employees are treated during their employment, without regard to race, religion, color, sex, age, handicapped status, or national origin.”
- C. “The contractor shall not participate in or cooperate with an international boycott, as defined in Section 999 (b)(3) and (4) of the Internal Revenue code 1986, as amended, or engage in conduct declared to be unlawful by Section 2 of Chapter 151E of the Massachusetts General Laws.”

14. The provisions of the following paragraphs must be included in the Contract. Other language may be substituted provided the language changes do not substantively alter the meaning of these provisions.

- A. “The time for completion of this contract is _____ calendar days”
- B. “Liquidated damages specified in this contract are \$_____ per day for each calendar day beyond the contract completion date that work remains uncompleted.”
- C. As per DEP’s Policy Memorandum #10 – the agreed upon DIRECT LABOR MARKUP (percentage) for Change Orders on this project shall be _____ percent.

15. The following LGU auditor/accountants certification must be included in contract

“Pursuant to M.G.L. c.44, s31C, I certify that an appropriation has been made in the total amount of the contract.”

GENERAL/SUPPLEMENTARY CONDITIONS	PAGE														
<p>16. Provisions for the following types of Contractor's Commercial General Liability insurance coverage must be included in the Specifications in no less than the limits required by law or the following limits whichever are greater:</p> <p>A. Workman's Compensation and Employer's Liability Insurance in</p> <table> <tr> <td>Worker's Compensation</td><td>\$100,000.</td></tr> <tr> <td>Employer's Liability</td><td>500,000. Each accident</td></tr> <tr> <td></td><td>500,000. Disease per employee</td></tr> </table> <p>B. Commercial General Liability Insurance with the following limits:</p> <table> <tr> <td>Bodily Injury & Property Damage</td><td>\$1,000,000. Each occurrence</td></tr> <tr> <td></td><td>1,000,000. General aggregate</td></tr> </table> <p>C. Vehicle Liability Insurance</p> <table> <tr> <td>Bodily Injury & Property Damage</td><td>\$1,000,000. Each person</td></tr> <tr> <td></td><td>1,000,000. Each accident</td></tr> </table> <p>D. Owner's Protective Liability equal to Contractor's required coverage stated in B if the project involves blasting.</p> <p>E. Builder's Risk (Fire Insurance) in an amount equal to the insurable value of the Contract.</p> <p>Those coverages is stated in the <u>SPECIFICATIONS</u> at</p>	Worker's Compensation	\$100,000.	Employer's Liability	500,000. Each accident		500,000. Disease per employee	Bodily Injury & Property Damage	\$1,000,000. Each occurrence		1,000,000. General aggregate	Bodily Injury & Property Damage	\$1,000,000. Each person		1,000,000. Each accident	
Worker's Compensation	\$100,000.														
Employer's Liability	500,000. Each accident														
	500,000. Disease per employee														
Bodily Injury & Property Damage	\$1,000,000. Each occurrence														
	1,000,000. General aggregate														
Bodily Injury & Property Damage	\$1,000,000. Each person														
	1,000,000. Each accident														
<p>17. <u>"The Commonwealth of Massachusetts Modified Supplemental Equal Employment Opportunity Anti-Discrimination and Affirmative Action Program"</u> Package <i>(See Attached Pages EEO-AAO-MS Page 1 through EEO-AAO-MS-Page 7)</i> approved for use in the Bureau of Resource Protection Assisted Projects must be included in the Commonwealth of Massachusetts Requirement Section of the Contract Documents, with the <u>minority percentage applicable</u> in the Owner's area included in Article III.1. on Page EEO-AAO-MS-Page 2 filled in.</p>															
<p>This package is incorporated in the <u>SPECIFICATIONS</u> at</p>															
<div>DEP-DMS-P&S-8</div> <div>01/31/02</div>															

GENERAL/SUPPLEMENTARY CONDITIONS – CONTINUED	PAGE
<p>21. The following statutes regulating construction contracts for public buildings and public works projects, are to be incorporated into <u>All Specifications</u> in the Commonwealth of Massachusetts Requirement Section. Those statutory references in bold type must be included (in their entirety) in the Contract Documents. The other statutes do not have to be printed but should be referenced. Copies of all the referenced statutes can be obtained from the world wide web at the following site by inserting the chapter-section just before .htm</p> <p>ie http://www.state.ma.us/legis/laws/mgl/30-39F.htm</p> <p>M.G.L c.30 s 39F Payment to Subcontractor</p> <p>c.30 s 39I Deviation from Plans and Specifications</p> <p>c.30 s 39J No Arbitrary Decisions are Final</p> <p>c.30 s 39L Construction Work by Foreign Corporations</p> <p>c.30 s 39M(b) Substitution of Equal Products</p> <p>c.30 s 39N Differing Site Conditions</p> <p>c.30 s 39O Equitable Adjustments for Delays</p> <p>c.30 s 39P Decision on Interpretation of Specifications</p> <p>c.30 s 39R Contractor's Records</p> <p>c.149 s 34 Limitations on Hours of Work</p> <p>c.149 s 44J Advertising Invitations to Bid</p> <p>c.82 s 40 Excavations; Notice; Penalties</p> <p>These statutes are included in the <u>SPECIFICATIONS</u> at</p>	
<p>In addition, contracts bid under c.149, ss44A – 44J shall include:</p> <p>M.G.L. c.30 s 39K Prompt Payment</p> <p>c.149 ss44F and 44G</p> <p>This provision is included in the <u>SPECIFICATIONS</u> at</p>	
CONSULTING ENGINEER’S CERTIFICATION SECTION PLAN AND SPECIFICATION CHECKLIST	ENGR Initials
<p>22. <u>Massachusetts Wage Rates</u> Request from Division of Occupational Safety, 399 Washington Street, Boston, MA 02108, (617) 727-3492</p> <p>Due to time constraints it is recommended that Wage Rates be inserted in the Contract Specifications by revised pages prior to Contract advertising or by Addenda prior to bid opening.</p>	

CONSULTING ENGINEER'S CERTIFICATION SECTION - CONTINUED		ENGR Initials
<p>23. Project Identification</p> <p>The cover sheet of the contract drawings & specifications must provide the following identification:</p> <p>Owner's Name Suitable Title Project No. SRF- Contract No.</p>		
<p>24. <u>P.E. Stamp and Signature</u></p> <p>Each page of the contract drawings and the Title page of the specifications has been stamped and signed by a Massachusetts Professional Engineer.</p>		
<p>25. <u>Index - Note - Legend Sheet(s) (Plans)</u></p> <p>The Index - Note – Legend Sheet(s) of the plans must provide the following minimum information:</p> <p>(a) Locus map (b) North arrow (c) Index (d) Symbols/Abbreviations Reference (e) Vertical Datum Plans used for Design and Layout (f) Municipal Wells/Reservoirs located within 1/2 mile of project site</p>		
<p>26. Policy memoranda (CG's) are Implemented in Contract (Plans/Specifications)</p> <p>CG-1 Easements and Rights of Way are shown on the contract drawings and have been obtained or will be in place prior to the contract advertising.</p> <p>CG-2 Permits have been obtained by the LGU for the construction project except those which are the contractor's responsibility required for his equipment, work force or particular operations (such as blasting) in the performance of the contract.</p> <p>CG-3 Field Controls will be furnished by the LGU with the necessary benchmarks and base lines for the contractor to lay out the work.</p> <p>CG-4 Record Drawings will be prepared by the LGU or his representative. They may use the contractors and sub-contractor's certified As Built drawings along with their own marked up set in the preparation of the Record Drawings.</p> <p>CG-5 Plan Scale used in the preparation of the plans is 1"= 40' horizontal and 1"= 4' vertical for all non-structural drawings.</p> <p>CG-6 Boring Logs are numbered and shown on both the plan and corresponding profile of each layout sheet giving depth, or refusal, water and unsuitable material level of the boring. The full boring logs can be found in the specification.</p>		

CONSULTING ENGINEER'S CERTIFICATION SECTION – CONTINUED		ENGR Initials
CG-7	Breakdown of Bid Items for Sewer Pipe Installation where applicable have been incorporated in the bid documents.	
CG-8	Pavement over new sewer trenches in existing paved roads will be done in accordance with the CG's width limits and thickness.	
CG-9	Pipe testing requirements for the infiltration/exfiltration or low-pressure air test will be met prior to the release of pipe retainage monies.	
CG-10	Change Orders will be submitted on the Department's forms with appropriate documentation listed in the CG.	
CG-11	Utility Relocation has been minimized through communication with existing utilities prior to final design layout of the project.	
CG-12	Refundable Deposits for Plans and Specifications are in place for the timely returns of plans and specifications received in good condition.	
CG-13	Bid Opening Procedures of the Department are in place and will be followed for the contractor selection.	
CG-14	Payment for Rock Excavation is consistent with the pay limits and definitions of the CG.	
CG-15	Traffic Police are eligible as part of the administrative cost of the project.	
CG-16	Documentation Required to Substantiate Contract Quantities for Change Orders and Close Out have been incorporated in the Measure and Payment section of the specifications.	
	DWS Policy 88 – 02Review of Sewer Line/Water Supply Protection of public water supplies within the influence of construction have been delineated on the plans with special construction methods shown on the plans and incorporated in the specifications	
	<i>See Attached Pages DEP-DMS-CG's Page 1 through 24</i>	
27.	Design Criteria The contract drawings and specifications comply with the current edition of "Guides for the Design of Wastewater Treatment Works" (TR-16) prepared by the New England Interstate Water Pollution Control Commission and good Environmental Engineering practice.	
28.	M.G.L. Chapter 30, Section 39M(b) The contract drawings and specifications must either describe (spec) an item of Material which can be met by at least three (3) manufacturers or producers or NAME a MINIMUM of three (3) BRANDS of MATERIAL and in either case Provision for "or equal" has been provided.	

APPENDIX A1

Certification Statements wording required in the BID PROPOSAL of contracts bid under the provisions of c.30,s39M (Non-Building/Public Works Contract).

Pursuant to M.G.L. Ch. 62C,s49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all State Taxes Required under law.

C.30 s39 (c) The undersigned hereby certifies that he is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed in the work.

The undersigned bidder hereby certifies he/she will comply with the minority workforce percentage ratio and specific affirmative action steps contained in the EEO/AA provisions of this Contract, including compliance with the Minority/ Women Enterprise as required under these contract provisions. The Contractor receiving the award of the contract shall be required to obtain from each of its subcontractors a copy of the certification by said subcontractor, regardless of tier, that it will comply with the minority workforce ratio and specific affirmative action steps contained in these EEO/AA contract provisions and submit it to the contracting agency prior to the award of such subcontract.

C.30 s39 (a) The undersigned certifies under penalties of perjury that this bid is in all respects bonafide, fair and made without collusion or fraud with any other person. As use in this paragraph the "person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity.

Certification undersigned is not presently debarred from doing public construction work in the Commonwealth of Massachusetts under the provisions of Section Twenty-Nine F of Chapter Twenty-Nine, or any other applicable debarment provisions of any other Chapter of the General Laws or any rule or regulations promulgated thereunder.

(Date)

(Name of General Bidder)

By: _____

(Signature)

(Title & Name of person signing bid)

(Business Address)

(City, State, Zip)

APPENDIX A2

Certification Statements wording required in the BID PROPOSAL of contracts bid under the provisions of c.149 s 44A – 44J (Building Contract with filed Sub-bids)

Pursuant to M.G.L. Ch. 62C, s 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all State Taxes Required under law.

The undersigned bidder hereby certifies he/she will comply with the minority workforce percentage ratio and specific affirmative action steps contained in the EEO/AA provisions of this Contract including compliance with the Minority/Woman Enterprise as required under these contract provisions. The Contractor receiving the award of the contract shall be required to obtain from each of its subcontractors a copy of the certification by said subcontractor, regardless of tier, that it will comply with the minority workforce ratio and specific affirmative action steps contained in these EEO/AA contract provisions and submit it to the contracting agency prior to the award of such subcontract.

c149 s44D (1)(b) The undersigned certifies under penalties of perjury that there have been no substantial changes in his financial position or business organization other than those changes noted within the application since the applicant's most recent pre-qualification statement and that the bid is in all respects bonafide, fair and made without collusion or fraud with any other person. "Person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity which sells materials, equipment or supplies used in or for, or engages in the performance of, the same or similar construction, reconstruction, installation, demolition, maintenance or repair work or any part thereof.

c149 s44E (2) The undersigned hereby certifies that he is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the work and that he will comply fully with all laws and regulations applicable to awards made subject to section forty-four A.

c149 s44E (3) The undersigned further certifies under penalty of perjury that the said undersigned is not presently debarred from doing public construction work in the Commonwealth of Massachusetts under the provision of Section Twenty-Nine F of Chapter Twenty-Nine, or any other applicable debarment provisions of any other Chapter of the General Laws or any rule or regulation promulgated thereunder.

(Date)

(Name of General Bidder)

By: _____

(Signature)

(Title & Name of person signing bid)

(Business Address)

(City State, Zip)

APPENDIX – B1

Contractor' Certification

A contractor will not be eligible for award of a contract unless such contractor has submitted the following certification, which is deemed a part of the resulting contract:

CONTRACTOR'S CERTIFICATION

Name of the General Contractor

Certifies that:

1. It intends to use the following listed construction trades in the work under contract:

2. Will comply with the minority workforce ratio and specific affirmative action steps contained herein: and
3. Will obtain from each of its subcontractors and submit to the contracting or administering agency prior to the award of any subcontract under this contract the subcontractor's certification required by these bid conditions.

Signature of Authorized
Representative

APPENDIX – B2

Subcontractor's Certification

Prior to the award of any subcontract, regardless of tier, the prospective subcontractor must execute and submit to the General Contractor the following certification, which will be deemed a part of the resulting subcontract:

SUBCONTRACTOR'S CERTIFICATION

Name of the Subcontractor

Certifies that:

1. It intends to use the following construction trades in the work under the contract:

2. Will comply with the minority workforce ratio and specific affirmative action steps contained herein: and
3. Will obtain from each of its subcontractors prior to the award of any subcontract under this contract the subcontractor's certification required by these bid conditions.

Signature of Authorized
Representative of Subcontractor

APPENDIX – C

MASSACHUSETTS DIESEL RETROFIT PROGRAM (MDRP)

The Department of Environmental Protection has developed the Massachusetts Diesel Retrofit Program (MDRP) in response to increasing public health concerns with the emissions from diesel engines and vehicles. To control these emissions, the MDRP has identified oxidation catalyst retrofits as the control technology of choice. These retrofits consist of either an in-line replacement engine muffler system or an add-on control device. Compliance with the MDRP is technology based, such that installation of an EPA-certified (or equivalent) control device will constitute full compliance.

STATEMENT OF INTENT TO COMPLY

This form must be signed and submitted by the bidder as part of the bid.

Local Governmental Unit _____ SRF Project No. _____

Contract No. _____ Contact Title _____

Bidder _____

The undersigned, on behalf of the above-named Bidder, agrees that, if awarded the contract, the Bidder will comply with the Massachusetts Diesel Retrofit Program (MDRP) by having all of the off-road (non-registered) diesel vehicles/equipment used on the contract equipped with, or retrofitted with, after-engine emission controls that are EPA certified or their equivalent.

(Signature of Bidder's Authorized Representative)

(Date)

MA DEP – DMS BID PROVISIONS FOR SRF PROJECTS

ADVERTISING REQUIREMENTS

(1) * **CENTRAL REGISTER**
14 days prior to bid opening

(2) * **LOCAL NEWSPAPERS**
14 days prior to bid opening

(3) * **POSTED NOTICE**
7 days prior to bid opening

CHAPTER 149 ss. 44A – 44J Projects Building Contracts with Filed Sub - Bids

(4) **GENERAL BID OPENING**
With 5% bid security from
Each bidder
[44B (2) 2]
(min 4 days after sub-bid opening)
[44F (3)]

(5) **BID SECURITY RETURNED**
Within 5 working days of
Bid opening except the 3 lowest bidders
[44B (3)]

(6)* **CONTRACT AWARD**
by Local Government Unit
within 30 working days of bid opening
[44A (3)]

(7)* **EXECUTE CONTRACT AGREEMENT/
PROCURE DOCUMENTS**
By low bidder within
5 working days of Notice of Award
[44E (2) E]

(8) **NOTICE TO PROCEED**
Issued by owner within reasonable time

(9)* **WORK BEGINS**
Within 10 days of the
Notice to Proceed

CHAPTER 30 s. 39M Projects Non-Building/Public Works Contracts

(4) **GENERAL BID OPENING**
With 5% bid security from
Each bidder
[39M (a)]

(5)* **BID SECURITY RETURNED**
No time frame
Holds – 3 lowest bidders

(6)* **CONTRACT AWARD**
by Local Government Unit
within 30 working days of bid opening
[DMS Policy]

(7)* **EXECUTE CONTRACT AGREEMENT/
PROCURE DOCUMENTS**
By low bidder within
10 calendar days of Notice of Award
[39M (c)]

(8) **NOTICE TO PROCEED**
Issued by owner within reasonable time

(9) **WORK BEGINS**
Within a reasonable time
after the Notice to Proceed

ADDITIONAL NOTES

[bid law reference section in parenthesis]

- (1)* Deadline for the acceptance of advertisement in the Central Register is Tuesday @ 4PM. The advertisement is published 8 days later on Wednesday. Telephone Number (617)727-9136 – FAX (617) 742-4822.
- (2)* Advertise in the local newspaper once a week for two weeks. The last publication should be one week before the bid opening.
- (3)* Post the notice of bid advertisement in or near the office of awarding authority.
- (5)* Chapter 30 is silent on the time frame for holding the bid security. All but the low bidders security should be returned by the award of the contract.
- (6)* The contract award is done within 30 working days of the bid opening unless the bid holding period is extended by mutual agreement.
- (7)* Low bidder provides original insurance certificates and original construction bonds to the Local Governmental Unit at the execution of the contract.
- (9)* Contract Criterion Division of Capital Assets Management and Maintenance (formerly DCPO).

DCAM CERTIFICATION CATEGORIES

DO NOT CONFUSE WITH C.149 S44F (1) SUB-BID CATEGORIES

General Building Construction
Alarm Systems
Asbestos Removal
Demolition
Doors & Windows
Electrical
Elevators
Energy Management Systems
Floor Covering
Fire Protection Systems
Hazardous Waste Removal
Historical Building Restoration
Historical Masonry
Historical Painting
Historical Roofing
HVAC
Masonry
Mechanical Systems
Modular Construction/Prefab
Painting
Plumbing
Pumping Stations
Roofing
Sewage and Water Treatment Plants
Telecommunications Systems
Waterproofing
Deleading
Special



You can request DCAM to create a Special Category for a Specific Project, but allow Ample Time to Create the Category and allow Contractors Time to get Certified.